

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

JOSEPH R. BOIMAH,

Plaintiff,

v.

1:18-CV-0696 (BKS/DJS)

**NEW YORK STATE WORKERS' COMPENSATION
BOARD,**

Defendant.

Appearances:

Joseph R. Boimah
Albany, NY
Plaintiff, pro se

Hon. Brenda K. Sannes, United States District Judge:

MEMORANDUM-DECISION AND ORDER

Plaintiff Joseph Boimah commenced this action on June 14, 2018, utilizing a form civil rights complaint under 42 U.S.C. § 1983. (Dkt. No. 1). This matter was referred to United States Magistrate Judge Daniel J. Stewart who, on July 9, 2018, issued a Report-Recommendation and Order recommending that this action be dismissed due to a lack of subject matter jurisdiction, and that Plaintiff be granted leave to replead his Complaint. (Dkt. No. 8). Magistrate Judge Stewart advised Plaintiff that under 28 U.S.C. § 636(b)(1), he had fourteen days within which to file written objections to the Report, and that the failure to object to the Report within fourteen days would preclude appellate review. (Dkt. No. 8 at 6–7). No objections to the Report-Recommendation have been filed.

As no objections to the Report-Recommendation have been filed, and the time for filing objections has expired, the Court reviews the Report-Recommendation for clear error. *See Petersen v. Astrue*, 2 F. Supp. 3d 223, 228–29 (N.D.N.Y. 2012); Fed. R. Civ. P. 72(b) advisory committee’s note to 1983 amendment. Having reviewed the Report-Recommendation for clear error and found none, the Court adopts the Report-Recommendation in its entirety.

For these reasons, it is

ORDERED that the Report-Recommendation (Dkt. No. 8) is **ADOPTED** in its entirety; and it is further

ORDERED that this action is dismissed due to a lack of subject matter jurisdiction; and it is further

ORDERED that Plaintiff is granted leave to replead his Complaint; and it is further


ORDERED that Plaintiff may file an amended complaint within thirty (30) days from the date of this Order; and it is further

ORDERED that if Plaintiff fails to file an amended complaint within thirty (30) days from the date of this Order, the Clerk is directed to close this case without further Order of the Court; and it is further

ORDERED that the Clerk serve a copy of this Order upon the parties in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: August 13, 2018


Brenda K. Sannes
U.S. District Judge